

MICHIGAN DEPARTMENT OF CORRECTIONS <b>POLICY DIRECTIVE</b>	EFFECTIVE DATE 11/01/2002	NUMBER 06.02.105
SUBJECT OFFENDER REIMBURSEMENT	SUPERSEDES PD 06.02.105 (01/27/98)	
	AUTHORITY MCL 791.203, 791.237, 791.265a; Administrative Rule 791.4425, 791.7730	
	ACA STANDARDS 3-ACRS-1B-02; 3-ACRS-1B-07; 3-ACRS-1B-08; 3-ACRS-1B-17; 3-ACRS-1B-18; 3-ACRS-1B-19; 3-ACRS-1B-20; 3-3043	
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## POLICY STATEMENT:

Offenders shall reimburse the Department for State funds used on their behalf while on electronic monitoring, in a corrections center or while housed in a jail or other facility while assigned to a special residential supervision project as set forth in this policy.

## RELATED POLICY:

06.04.120 Community Service Work

## POLICY:

### GENERAL INFORMATION

- A. This policy applies only to offenders (i.e., prisoners, parolees and probationers) on electronic monitoring, in a corrections center for reasons other than to participate in a Technical Rule Violation program, or while assigned to a special residential supervision program (e.g., STOP II) as identified by the Deputy Director for Field Operations Administration (FOA), except as set forth in Paragraph D.
- B. For purposes of this policy, "funds" does not include funds received from the Family Independence Program, for child support, or state disability assistance. It also does not include wages withheld for the payment of taxes or under the Federal Insurance Contribution Act (FICA).
- C. Each offender shall have one Offender Financial Record (CFJ-206) which shall transfer with him/her between Field Operations Administration (FOA) locations. Any use of State funds shall be detailed on the Offender Financial Record.

### AUTHORIZED USE OF STATE FUNDS

- D. The Department shall pay the cost of necessary medical care for prisoners in Community Residential Programs (CRP) and parolees in a corrections center or Technical Rule Violation center (TRV) who lack sufficient assets to pay those costs, as verified and authorized by the appropriate corrections center or TRV manager, field office supervisor, or designee. A prisoner in CRP who is not medically manageable in CRP as a result of his/her medical condition may be reclassified pursuant to PD 06.03.100 "Community Residential Programs: Guidelines for Security Reclassification of Prisoners".
- E. State funds may be used to temporarily assist a prisoner or parolee in a corrections center with the payment of expenses incurred until s/he becomes self-supporting, as determined necessary by the supervising agent, with the approval of the appropriate corrections center manager or field office supervisor. Such payments shall generally be limited to the costs of rent, food, program related public transportation and necessary personal hygiene items.
- F. State funds may be used to temporarily assist an offender on electronic monitoring with the payment of telephone installation and local telephone service expenses, if the offender would otherwise be unable to obtain the telephone service required to permit electronic monitoring, as determined necessary by the

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supervising agent, with the approval of the appropriate corrections center manager or field office supervisor.

- G. State funds shall not be used for any purpose other than as set forth above, unless prior written approval is received from the appropriate FOA Regional Administrator. However, State funds shall not be used to pay medical care costs for offenders except as set forth in Paragraph D.

#### PER DIEM REIMBURSEMENT RATES

- H. The FOA Deputy Director shall establish annually a statewide per diem reimbursement rate for offenders housed in corrections centers. The reimbursement rate shall be posted in each corrections center.
- I. The FOA Deputy Director shall establish annually a statewide per diem reimbursement rate for offenders who are being electronically monitored. The reimbursement rate shall be posted in each corrections center and field office.
- J. The FOA Deputy Director also may establish a per diem reimbursement rate for offenders assigned to a special residential supervision program. The rate shall not exceed that paid by the Department for the housing provided.

#### OFFENDER REIMBURSEMENT

- K. Parolees assigned to a Special Residential Supervision program as identified by the FOA Deputy Director or housed in a corrections center pursuant to OP 06.06.100-B "Placement of Parolees in Corrections Centers" shall be required to pay 100% of the reimbursement required to be paid pursuant to Paragraph H or J, as applicable, and any State funds used on his/her behalf pursuant to Paragraphs E through G. A parolee who is able-bodied but unemployed and lacks sufficient funds to make the required payments may be required to perform 21 hours of community service as an alternative method of payment for every full week s/he is unemployed and unable to make the required payment.
- L. All other prisoners and parolees in a corrections center shall be required to pay a maximum of 50% of the funds they receive while housed in a center toward the reimbursement required to be paid pursuant to Paragraph H and any State funds used on his/her behalf pursuant to Paragraphs E through G. A prisoner who is able-bodied but unemployed and lacks sufficient funds to make the required payments shall be required to perform 21 hours of community service as an alternative method of payment for every full week s/he is unemployed and unable to make the required payment. A parolee who is able-bodied but unemployed and lacks sufficient funds to make the required payments may similarly be required to perform community service work.
- M. Prisoners and parolees being electronically monitored shall be required to pay a maximum of 50% of funds they receive while being electronically monitored toward the reimbursement required to be paid pursuant to Paragraph I, and any State funds used on his/her behalf pursuant to Paragraphs E through G. Prisoners and parolees being electronically monitored also shall reimburse the Department for the cost of any electronic monitoring system equipment assigned to them which is lost, damaged or stolen. A prisoner or parolee who is able-bodied but unemployed and lacks sufficient funds to make the required payments shall be required to perform seven hours of community service as an alternative method of payment for every full week s/he is unemployed and unable to make the required payment.
- N. For each probationer being electronically monitored, the supervising agent shall recommend to the court that the probationer be ordered to pay a maximum of 50% of funds s/he receives while being electronically monitored toward the per diem reimbursement required pursuant to Paragraph I, and any State funds used on his/her behalf pursuant to Paragraphs E through G. It also shall be recommended to the court that a probationer who is able-bodied but unemployed and lacks sufficient funds to make required payments be ordered to perform seven hours of community service as an alternative method of payment for every full week s/he is unemployed and unable to make the required payment.

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- O. Community service required pursuant to this section shall be performed in accordance with PD 06.04.120 "Community Service Work".

#### COLLECTION OF FUNDS

- P. The supervising agent is responsible for verifying the amount of funds received by each offender and determining the amount of reimbursement to be paid. This information shall be documented in a manner determined by the FOA Deputy Director.
- Q. Offenders shall pay reimbursement in the form of a check with guaranteed funds issued by a bank or credit union (e.g., cashier check; certified check), or a money order payable to the State of Michigan. Payments shall be deposited only in a secure locked box in the appropriate corrections center or field office. Each corrections center manager and field office supervisor shall designate a staff person to remove payments from the box on a weekly basis. However, removal of payments shall be done only in the presence of another staff person. Staff designated to remove payments shall log all payments received on forms designated for that purpose by the FOA Deputy Director. Each payment shall be endorsed with a restrictive endorsement stamp.
- R. Payments received and a copy of the corresponding payment log shall be forwarded to the appropriate Regional Fee Collection Unit at least weekly for processing. A copy of the log also shall be provided to the supervising agent. The supervising agent shall use the log to identify payments made by offenders under his/her supervision. A record of those payments shall be maintained as determined by the FOA Deputy Director.
- S. If a prisoner is not paying required reimbursement and the supervising agent reasonably believes that the prisoner has had adequate funds, an administrative hearing shall be conducted in accordance with Administrative Rule 791.3310. If the hearing officer determines that the funds exist, payment shall be ordered based on the findings. If the prisoner does not comply with the hearing officer's order for payment within 14 calendar days after receipt of the hearing officer's decision, the matter shall be referred to the Area Manager through the chain of command. The Area Manager shall determine if the prisoner will be allowed to continue in CRP.
- T. If a parolee or probationer is not paying required reimbursement and the supervising agent reasonably believes that the parolee or probationer has adequate funds, s/he shall notify the parolee or probationer of the basis for this belief. If the parolee or probationer does not offer adequate information or documentation to the contrary, s/he may be charged with a parole or probation violation in accordance with PD 06.06.100 "Parole Violation Process" or PD 06.06.120 "Probation Violations", as appropriate.
- U. The supervising agent shall forward the Offender Financial Record to the Regional Fee Collection Unit for review as set forth in OP 06.02.105 "Offender Reimbursement" to determine the total amount, if any, that the offender has not paid toward his/her required reimbursement. If an offender has not paid all required reimbursement, the Regional Fee Collection Unit shall review the offender's salary/wage history, receipt of other funds, and performance of any required community service to determine if s/he should be held accountable for the unpaid reimbursement. Reimbursement required to be paid pursuant to Paragraph J shall not be waived.
- V. Whenever the Regional Fee Collection Unit determines an offender is to be held accountable for unpaid reimbursement, the matter shall be referred as follows:
1. If the offender is transferred to a Correctional Facilities Administration (CFA) institution, the Regional Fee Collection Unit shall place the debt on hold until the offender is paroled or discharged at which time the Regional Fee Collection Unit shall proceed as set forth in no. 2 or 3, below.
  2. If the offender is released on parole into the community, the Regional Fee Collection Unit shall notify the supervising agent of the amount to be collected.

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3. If the offender is discharged from his/her sentence and has not made payments for 30 calendar days, the Regional Fee Collection Unit shall refer the amount to be collected to the Department of Treasury for appropriate collection action.

- W. If the Regional Fee Collection Unit determines that the offender has overpaid required reimbursement, the amount overpaid shall be applied toward any of the offender's other Department or court ordered debts before a refund is processed. The order in which multiple debts are paid shall be established by the FOA Deputy Director or designee.

#### OPERATING PROCEDURES

- X. The FOA Deputy Director shall ensure that procedures are developed as necessary to implement requirements set forth in this policy directive; this shall be completed within 60 calendar days after the effective date of the policy directive. This requirement includes ensuring that their existing procedures are revised or rescinded, as appropriate, if inconsistent with policy requirements or no longer needed.

#### AUDIT ELEMENTS

- Y. A Primary Audit Elements List has been developed and will be provided to the FOA Regional Administrators to assist with the self audit of this policy, pursuant to PD 01.05.100 "Self Audit of Policies and Procedures".

WSO:OPH:10/08/02